IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 209 OF 2006

IN

FAMILY COURT APPEAL NO. 19 OF 2006

Mrs. Kavita Vijay Jindal .... Applicant

Vs.

Shri Vijay Jugmndar Jindal .... Respondent

Ms. Neeta Karnik for the Applicant.
Mrs. Anita Agarwal for the Respondent.

CORAM : J.N. PATEL, AND
A.A. SAYED, JJ

DATE : 27TH JUNE, 2007

P.C.

1) Heard learned Counsel for the parties.

2) The learned Counsel for the applicant on seeking instructions from the applicant, who is personally present in the Court, states that for the present, the applicant does not want to press her application for custody of her child, in case this Court permits her to have access to the child and rightly so as it is not disputed that the child since beginning is residing with her father and now she is 5 year’s old.

3) This Court understands the psychological requirement of the mother to have access to her child and therefore permit the applicant to withdraw her application for seeking custody of her child. Application is dismissed as withdrawn.

4) After due deliberation, it is agreed that the applicant- mother can have access to the child once in a month on any Sunday convenient to the parties and that the learned Counsel for the parties will work out the venue and time of such meeting where applicant can have access to the child.

5) We make it clear that this is purely on experimental basis to give an opportunity to the applicant to meet her child and it all depends on their experience after the meeting is held. Thereafter the parties can again approach this Court and seek appropriate orders in the matter.

6) We are confident that the respondent-father would facilitate access of the child to the applicant-mother, as it is also in the interest of the child though they may be totally stangers

inspite of the applicant being the natural mother of the child, due to lapse of 5 years period, where the applicant never met the child and child does not know who is her natural mother.

7) The appeal be listed in due course for hearing. During the pendency of the appeal, the parties are at liberty to move this Court, if any such contingency arise in respect of the subject matter of access is concerned.

(A.A. SAYED, J.) **(J.N. PATEL, J.)**